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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	No. 2:96-cr-0426 WBS KJN P
Respondent,	
v.	<u>ORDER</u>
YANCEY PAYNE,	
Movant.	

Movant, a former federal prisoner proceeding through counsel, filed a petition for writ of error coram nobis under 28 U.S.C. § 1651. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2018, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Movant filed objections to the findings and recommendations. Respondent did not file a reply.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.


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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 19, 2018, are adopted in full;
2. The petition for writ of error coram nobis (ECF No. 101) is denied; and
3. Because writs of error coram nobis are not governed by the provisions of 28 U.S.C.

§ 2253, the court need not decide whether to issue a certificate of appealability. See United States v. Nuwintore, No. 2:07-cr- 0139 WBS AC, 2015 WL 5175020, at *1 (E.D. Cal. Sept. 2, 2015).

Dated: January 8, 2019


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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